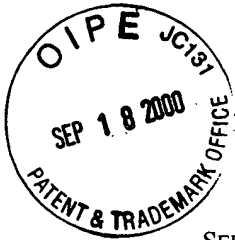


Express Mail Label No. EK611904476US  
Date of Deposit: September 18, 2000



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Sampath *et al.*  
ASSIGNEE : Creative Biomolecules, Inc.  
SERIAL NUMBER: 09/423,943  
FILING DATE : March 3, 2000  
FOR : METHODS FOR EVALUATING TISSUE MORPHOGENESIS AND ACTIVITY

RECEIVED  
SEP 25 2000  
TECH CENTER 1600/2900  
APPLICATION  
Attorney Docket No.: 00960-570 (CBM-70)

RECEIVED  
SEP 22 2000  
TECH CENTER 1600/2900

September 18, 2000  
Boston, Massachusetts

**BOX SEQUENCE LISTING**

Assistant Commissioner for Patents  
Washington, D.C. 20231

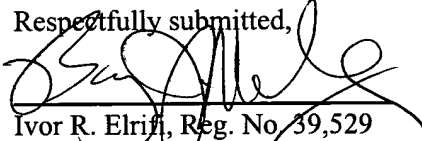
**TRANSMITTAL LETTER**

Applicants are filing herewith a response to the Office communication containing the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed August 18, 2000, which is due on or before September 18, 2000. Enclosed herewith are the following for the above-identified non-provisional patent application:

- ☒ Response to Office communication containing the Notice to Comply with Sequence Listing Requirement (2 pages);
- ☒ Copy of Notice to Comply with Sequence Listing Requirements (2 page);
- ☒ Initial Computer Readable Form Copy of the "Sequence Listing" (1 diskette);
- ☒ Paper Copy of the "Sequence Listing" (9 pages);
- ☒ Statement in Support of Computer Readable Form Submission (1 page); and
- ☒ Postcard.

The Commissioner is hereby authorized to charge any fee that may be due, or to credit any overpayment, to Deposit Account No. 50-0311 (Reference No. 00960-570, CBM-70). A duplicate copy of this transmittal letter is enclosed.

Respectfully submitted,

  
Ivor R. Elrifi, Reg. No. 39,529  
Michel Morency, Limited Recognition  
Barry J. Marenberg, Reg. No. 40,715  
Attorneys for Applicants  
c/o MINTZ, LEVIN  
One Financial Center  
Boston, Massachusetts 02111  
Tel: (617) 542-6000  
Fax: (617) 542-2241

Express Mail Label No. EK611904476US  
Date of Deposit: September 18, 2000

PATENT APPLICATION

Attorney Docket No.: 00960-570 (CBM-70)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Sampath and Cohen  
ASSIGNEE : Creative Biomolecules, Inc.  
SERIAL NUMBER : 09/423,943  
FILING DATE : March 8, 2000  
FOR : METHODS FOR EVALUATING TISSUE MORPHOGENESIS AND ACTIVITY



EXAMINER : J. Andres  
ART UNIT : 1646

*Handwritten signature/initials*

Assistant Commissioner for Patents  
Washington, D.C. 20231

September 18, 2000  
Boston, Massachusetts

**RESPONSE TO NOTICE TO COMPLY WITH SEQUENCE LISTING  
REQUIREMENT UNDER 37 CFR §§ 1.821 - 1.825**

Sir:

In response to the August 18, 2000 Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, Applicants file this Response in order to incorporate the Sequence Listing, filed herewith, into the U.S.S.N. 09/423,943 patent application. Applicants concurrently submit herewith a initial computer readable form (CFR) copy of the "Sequence Listing", a paper copy of the "Sequence Listing" and a statement that the content of the paper and computer readable copies are the same and include no new matter, in compliance with 37 C.F.R. §§ 1.821-1.825.

This response is due on or before September 18, 2000. Applicants believe that no fee is required for the filing of the present application. However, the Commissioner is hereby authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311 (Reference No. 00960-570).

**Applicants: Sampath and Cohen**  
**U.S.S.N.: 09/423,943**

Please amend the above-identified application as follows:



***In the Specification:***

Please insert the Sequence Listing, pages 1-9, at the end of the specification.

**REMARKS**

Applicants submit a Sequence Listing for the nucleotide sequence disclosed in the specification in compliance with the requirements for patent applications containing nucleotide sequences and/or amino acid sequence disclosures. 37 C.F.R. §§ 1.821-1.825. No new matter is added.

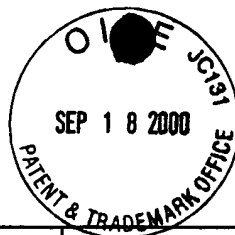
**CONCLUSION**

This application is believed to be in condition for allowance, and a statement to this effect is respectfully requested. Should any questions or issues arise concerning this application, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "Ivor R. Elmi", written over a horizontal line.

Ivor R. Elmi, Reg. No. 39,529  
Michel Morency, Limited Recognition  
Barry J. Marenberg, Reg. No. 40,715  
Attorneys for Applicants  
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Fax: (617) 542-2241



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/423943	03/08/00	Sampath	00-960-570

EXAMINER	
Janet Andres	
ART UNIT	PAPER NUMBER
1646	6

Please find below a communication from the EXAMINER in charge of this application

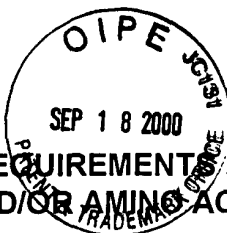
This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

APPLICANT IS GIVEN 30 days FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Janet Andres whose telephone number is (703) 305-0557. If the examiner cannot be reached, inquiries can be directed to Supervisory Patent Examiner Yvonne Eyler whose telephone number is (703) 308-6564. The fax number for the organization where this application or proceeding is assigned is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

  
YVONNE EYLER, Ph.D.  
PRIMARY EXAMINER



Application No. **09/423943**

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: Sequences in application that do not have a sequence id number

**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**